

ROSENBERG & ESTIS, P.C.
ATTORNEYS AT LAW

733 Third Avenue
New York, New York 10017
212.867.6000
Fax 212.551.8484
www.rosenbergestis.com

Cori A. Rosen
212-551-8401
crosen@rosenbergestis.com

May 23, 2024

VIA ECF

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: *Samuel Lopez v 139 Essex Street LLC, et al.*
Case No. 1:24-cv-02397-KPF (the “**Action**”)
Letter Motion Requesting Extension of Time on Consent (this “**Request**”)

Your Honor:

This law firm was recently retained to represent the defendant, 139 Essex Street LLC (“**139 Essex Street**”) in the above-referenced Action. In accordance with Your Honor’s Individual Rules of Practice in Civil Cases (“**Individual Rules**”) No. 2(C)(1), I respectfully Request that the deadline to answer or otherwise move with respect to the complaint in the Action (the “**Complaint**”, Pacer Doc. No. 1) be extended through and including July 22, 2024. The reason for said Request, is that this Action concerns violations of the Americans with Disabilities Act (the “**ADA**”) at a property located at 139 Essex Street, New York, New York (the “**Property**”). 139 Essex Street, the owner of the Property, has undertaken remediation efforts to rectify any ADA violations therein and wishes to settle the monetary claims of plaintiff, Samuel Lopez (“**Plaintiff**”), without exhausting unnecessary judicial resources. Yesterday, Plaintiff’s counsel suggested that a sixty (60) day extension through July 22, 2024 would provide adequate time to memorialize a settlement understanding without 139 Essex Street having to file an answer and/or the need for any court conferences.

In accordance with Your Honor’s Individual Rule 2(C)(i), I provide the following: (i) the original deadline to respond to the Complaint is believed to have fallen on or around May 8, 2024, (ii) no prior requests for an adjournment or extension of time to respond to the Complaint have been made, (iii) *see* response to item ii, (iv) the Request is being made to allow the parties to finalize an anticipated settlement without the need for court intervention, as set forth above, and (v) counsel to Plaintiff consents to this Request for an extension of time.

An Initial Pretrial Conference has been scheduled in this Action for June 7, 2024 at 3:30 PM (*see* Pacer Doc. 7). As such, and in accordance with the Individual Rules, the undersigned and counsel for Plaintiff propose that the Initial Pretrial Conference be adjourned by the same sixty (60) day period to August 6, 2024, or such later date that the Court is available.

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Honorable Katherine Polk Failla, U.S.D.J.

Thank you in advance for the Court's time and consideration of this Request.

Respectfully Submitted,



Cori A. Rosen

Cc: All Counsel of Record (via ECF)
COURTESY COPY BY EMAIL (Failla_NYSDChambers@nysd.uscourts.gov).

Application GRANTED. Defendant shall answer or otherwise respond to the complaint on or before **July 22, 2024**. The initial pre-trial conference in this matter is hereby ADJOURNED to **August 8, 2024**, at **3:00 p.m.**

The Clerk of Court is directed to terminate the pending motion at docket number 9.

Dated: May 24, 2024
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE